



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

October 14, 1988

Honorable John C. Barnhill
Crosby County Attorney
P. O. Box 456
Crosbyton, Texas 79322

LO-88-117

Dear Mr. Barnhill:

You advise that Crosby County maintains general liability insurance in the amount of \$1,000,000. In light of this coverage you ask whether the general policy will meet the requirements of section 51.302(c) of the Government Code relating to insurance required to be carried by the district clerk.

Section 51.302 provides in pertinent part:

(c) Each district clerk shall obtain an insurance policy to cover the district clerk and any deputy clerk against liabilities incurred through errors or omissions in the performance of official duties. The amount of the policy must be in an amount equal to the maximum amount of fees collected in any year during the term of office immediately preceding the term for which the insurance is obtained, except that the amount of the policy may not be for less than \$10,000 nor more than \$700,000.

The requirement that the district clerk obtain insurance coverage is explicit and section 51.302 does not provide any exceptions. Our study of the legislative history of section 51.302 has not revealed anything to suggest that the Legislature intended that there be any exceptions to the mandatory requirements of the statute.

Honorable John C. Barnhill
October 14, 1988
Page 2

Since the problem you have detailed can only be addressed by the Legislature, it occurs to us that this may be a matter that your commissioners court would like its state association to place on its legislative agenda for the next session.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Tom G. Davis". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom G. Davis
Assistant Attorney General
Opinion Committee

APPROVED: Sarah Woelk, Chief
Letter Opinion Section

TGD/SW/bc

Ref.: RQ-1464
ID#3767